

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

| | |
|-------------------------------------|----------------------|
| Date of mailing (day/month/year) | See form PCT/ISA/210 |
|-------------------------------------|----------------------|

| | | |
|--|---|---|
| Applicant's or agent's file reference 9500Hear2005 | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/EP2005/050021 | International filing date (day/month/year) 04.01.2005 | Priority date (day/month/year) 16.01.2004 |
| International Patent Classification (IPC) or both national classification and IPC C09J133/00, C09J133/06, C09J7/02 | | |
| Applicant TESA AG | | |

1. This opinion contains indications relating to the following items:

| | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|--|--------------------|
| Name and mailing address of the ISA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/050021

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/050021

Box No. II

Priority

1. ☐ The following document has not yet been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/050021

| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|--|------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | | YES |
| | Claims | 1-25 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-25 | NO |
| Industrial applicability (IA) | Claims | 1-25 | YES |
| | Claims | | NO |
| 2. Citations and explanations: | | | |
| <p>Reference is made to the following documents:</p> <p>D1: WO-A-03 044119</p> <p>D2: EP-A-1 361 260</p> <p>D3: EP-A-1 312 658</p> <p>D4: WO-A-03 044116</p> <p>The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-25 is not novel under PCT Article 33(2).</p> <p>Examples 1-4 disclosed in document D1 are identical to examples 1-4 of the present application (cf. also tables 1-5). The description of D1 is likewise identical over large sections to the description of the present application (see pages 3-20 and claims 1-10).</p> <p>Example 1 of D2 discloses an acrylate composition to which, after the polymerization, 10 g of isopropylthioxanthone (Speedcure ITX™, a photoinitiator) are added and, after the melt extrusion, crosslinked by UV rays, so that the orientation generated thereby is preserved permanently (claims 4-6 and pages 3-12, 16).</p> <p>Claims 1-3, 15-19 of D3 likewise describe oriented acrylate pressure-sensitive adhesives which can likewise be crosslinked with UV radiation (page 9 line 53 - page 10 line 10). The subject matter of claims 1-25 of the present application is therefore rendered obvious by D2 and D3 (PCT Article 33(3)).</p> <p>The pressure-sensitive adhesive tapes D, E and I in D4 (pages 3, 4,</p> | | | |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/050021

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

6 and 7) likewise describe oriented acrylate pressure-sensitive adhesives which are crosslinked by UV rays and anticipate the subject matter of claims 1-25 of the present application in a manner prejudicial to novelty (see also claims 1-7).

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To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

9500Hear2005

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/050021

International filing date (day/month/year)

04.01.2005

Priority date (day/month/year)

16.01.2004

International Patent Classification (IPC) or both national classification and IPC

C09J133/00, C09J133/06, C09J7/02

Applicant

TESA AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

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For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/050021

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
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_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
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☐ in written format
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4. Additional comments:

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INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. II

Priority

1. ☐ The following document has not yet been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/050021

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

| | | | |
|-------------------------------|--------|-------|-----|
| Novelty (N) | Claims | _____ | YES |
| | Claims | 1-25 | NO |
| Inventive step (IS) | Claims | _____ | YES |
| | Claims | 1-25 | NO |
| Industrial applicability (IA) | Claims | 1-25 | YES |
| | Claims | _____ | NO |

2. Citations and explanations:

Reference is made to the following documents:

D1: WO-A-03 044119
D2: EP-A-1 361 260
D3: EP-A-1 312 658
D4: WO-A-03 044116

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-25 is not novel under PCT Article 33(2).

Examples 1-4 disclosed in document D1 are identical to examples 1-4 of the present application (cf. also tables 1-5). The description of D1 is likewise identical over large sections to the description of the present application (see pages 3-20 and claims 1-10).

Example 1 of D2 discloses an acrylate composition to which, after the polymerization, 10 g of isopropylthioxanthone (Speedcure ITX™, a photoinitiator) are added and, after the melt extrusion, crosslinked by UV rays, so that the orientation generated thereby is preserved permanently (claims 4-6 and pages 3-12, 16).

Claims 1-3, 15-19 of D3 likewise describe oriented acrylate pressure-sensitive adhesives which can likewise be crosslinked with UV radiation (page 9 line 53 - page 10 line 10). The subject matter of claims 1-25 of the present application is therefore rendered obvious by D2 and D3 (PCT Article 33(3)).

The pressure-sensitive adhesive tapes D, E and I in D4 (pages 3, 4,

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

6 and 7) likewise describe oriented acrylate pressure-sensitive adhesives which are crosslinked by UV rays and anticipate the subject matter of claims 1-25 of the present application in a manner prejudicial to novelty (see also claims 1-7).